

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1636

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FUHR (Sponsor), JONES (89), McNARY, HAEFNER,
ELLINGER, BROWN (85), SIFTON, FUNDERBURK, COLONA, PACE, STREAM, KOENIG,
BAHR AND SMITH (71) (Co-sponsors).

5570L.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 479.040, RSMo, and to enact in lieu thereof one new section relating to the election of courts to hear violations of municipal ordinances.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 479.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 479.040, to read as follows:

479.040. 1. **(1)** Any city, town or village with a population of less than four hundred thousand may elect to have the violations of its municipal ordinances heard and determined by an associate circuit judge of the circuit in which the city, town or village, or the major geographical portion thereof, is located; provided, however, if such election is made, all violations of that municipality's ordinances shall be heard and determined before an associate circuit judge or judges. If a municipality has elected to have the violations of its municipal ordinances heard and determined by an associate circuit judge, the municipality may thereafter elect to provide for a municipal judge or judges to hear such cases; provided, however, if such later election is made, all violations of that municipality's ordinances shall be heard and determined before a municipal judge. Nothing in this subsection shall preclude the transfer or assignment of another judge to hear and determine a case or class of cases when otherwise authorized by provisions of the constitution, law, or court rule. Nothing in this section shall preclude an election made under the provisions of subsection 4 of this section.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 **(2) In lieu of electing to have all violations of municipal ordinances heard and**
15 **determined before an associate circuit court or a county municipal court, a city, town, or**
16 **village may, under subdivision (1) of this subsection, elect to have such court only hear and**
17 **determine those violations of its municipal ordinances as may be designated on the**
18 **information by the prosecutor as involving an accused with special needs due to mental**
19 **disorder or mental illness, as defined by section 630.005, or whose special needs,**
20 **circumstances, and charges cannot be adequately accommodated by the municipal court**
21 **of the city, town, or village, provided that the associate circuit court or county municipal**
22 **court has established specialized dockets or courts to provide such adequate**
23 **accommodations and resources for specifically handling such matters, such as a mental**
24 **health court, housing court, domestic violence court, family court, or DWI court, and such**
25 **associate circuit court or county municipal court accepts such election by consent of the**
26 **presiding judge or by county contract, as applicable, and further provided that upon a**
27 **determination by the court that the accused does not have such special needs, the matter**
28 **shall be transferred back to the municipal court.**

29 2. If, after January 1, 1980, a municipality elects to have the violations of its municipal
30 ordinances heard and determined by an associate circuit judge, the associate circuit judge or
31 judges shall commence hearing and determining such violations six months after the
32 municipality notifies the presiding judge of the circuit of its election. With the consent of the
33 presiding judge, the associate circuit judge or judges may commence hearing such violations at
34 an earlier date.

35 3. Associate circuit judges of the circuit in which the municipality, or major geographical
36 portion thereof, is located shall hear and determine violations of municipal ordinances of any
37 municipality with a population of under four hundred thousand for which a municipal judge is
38 not provided.

39 4. Any city, town or village with a population of less than four hundred thousand located
40 in a county which has created a county municipal court under the provisions of section 66.010
41 may elect to enter into a contract with the county to have violations of municipal ordinances
42 prosecuted, heard, and determined in the county municipal court. If a contract is entered into
43 under the provisions of this subsection, all violations of that municipality's ordinances shall be
44 heard and determined in the county municipal court. The contract may provide for a transition
45 period after an election is made under the provisions of this subsection.

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